The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. BENNETT. Madam President, we are about to finalize and pass on to the President a bill on campaign finance reform. Anyone who has followed the proceedings during the years knows that I have been opposed to this since I first came into the Chamber back in 1993. I remember participating in an all-night filibuster against it, which Senator Mitchell forced us to go through. My hour, as I recall, was something between 1 and 2 in the morning because I didn't have enough seniority to have an hour that was more compatible with my sleeping patterns.

I have done everything to see to it that this bill does not become law, for one very fundamental reason: I believe it is clearly unconstitutional. It violates both the spirit and the letter of the work of James Madison. I have quoted Madison on the floor, but I have been unsuccessful. It is clear to me now that the law is going to pass. It is, in all probability, going to be signed.

I want to take a moment or two to outline, in the spirit of some prophecy, what I think is going to happen as a result of the bill. I have tried to be as objective as possible and set aside my deeply felt conviction that this bill violates what Madison was telling us in the tenth Federalist about appropriate government. The first thing that is very clear is that this bill will weaken—I won't go so far as to say ''destroy,'' as some others have said—both political parties. Neither party will be able to raise the money to pay the lights, run the overhead, keep the operation going and, at the same time, participate significantly in the campaigns of its members. By banning so-called soft money, we guarantee that each party will have to raise hard money to keep its overhead going and, therefore, be unable to put as much money and as much muscle into individual campaigns. This means that special interest groups which can raise this money have raised this money and will continue to raise this money and will play an increasing role in political campaigns. That is, the vacuum created by pushing down the role of parties will be filled by special interest group money. We are already seeing this. I have seen it in my home State of Utah. The net effect of it will be that candidates will increasingly lose control of their own campaigns.

We saw an example in Utah, where candidate X was attacked by a special interest group over a particular issue. Candidate Y, who normally would benefit from that kind of attack, in fact, was appalled at the attack and did everything she could to stop it because she felt, correctly, that it was reflecting on her. The voter could not differentiate between the source, whether it was from a special interest group or the political campaign. All the voter knew was that these ads were unnecessarily nasty, unnecessarily antagonistic, attacking candidate X. They took it out on candidate Y. They blamed her for the attacks, and she was powerless to do anything about it because special interest groups have the right to run their own campaigns.

As a result of the passing of campaign finance reform, she would be even more powerless to defend herself against that kind of circumstance because she could not call on her national party for assistance. The party will be prevented from providing the kind of help that is currently available. So, as I say, the net effect will be to increase the power of special interest groups in campaigns and to decrease the abilities of a candidate to manage his or her own campaign.

The next thing I see coming out of this is, of course, a plethora of lawsuits, because the bill is very badly written, it is badly drafted, and it creates a whole series of vague references to the relationship between the national party and the State party, Federal money, State money, what can be done by a State party to try to advance its candidates; and what happens if the State party spends money in a way that somehow is deemed to advance a national candidate, or Federal candidate? Let's have a lawsuit. Let's be in court. Let's have all kinds of disputes.

Once again, by limiting the amount of money that parties can raise, it will drain off party money to handle legal bills. So, once again, the party will be less capable of defending its own candidates in the political arena.

Now, at the moment, my judgment is that there are more special interest groups involved in issue advocacy campaigns who support Democrats than there are who support Republicans. I have seen one study—I have no idea how accurate it is—that indicates that in the last Presidential campaign there was about $300 million, total, spent on both sides. If you take the money allocated to the parties, the Republican Party outspent the Democratic Party. But when you add in the issue advocacy money spent by special interest groups, most of it was on the Democratic side of the ledger, so the total, according to this one study, suggested that you got to rough parity between the two sides in the election. Now, I think the initial effect will be—if it is true there are more special interest groups supporting Democrats—you will see a financial benefit for the Democrats through that special interest group, if indeed the money spent does benefit them. Once again, we come back to the example I described in Utah, where the money spent by the special interest group damaged the candidate it was supposed to help, because the candidate had no control, no input, and had lost control of her campaign.

Let's assume, for the moment, that all of the money spent by the special interest groups on behalf of Democratic candidates is well spent and produces a benefit for the Democratic candidates. There will be an attempt—and I suspect overtime it will be successful—for Republicans to create special interest groups to balance that.

We will, once again, get to the point of rough parity because money and politics abhor a vacuum. We will have just as much money spent on politics as we have now. The difference is that it will be channeled either through existing special interest groups, most of which, as I say, benefit the Democrats, or newly created special interest groups to counter that, created to benefit the Republicans. Once again, the total impact will be that candidates and parties will lose control over their elections.

I hope the time does not come, but I think it is possible, where candidates and parties become almost insignificant in political campaigns; where political campaigns are fought between major special interest groups and candidates simply sign up with which interest group they are going to endorse and then sit back, watch the money get spent, and watch the results come in, with our historic political parties significantly weakened, a candidate's ability to manage his own campaign significantly degraded, and ultimately politics in this country the worst as a result of the passage of this legislation.

I lay that down, Madam President, as my view of what is going to happen. The bill will be passed. If the bill is signed, then we can all wait and see. I hope I am wrong. I hope the reformers are right and we will enter a new era of magnificent good feeling about politics.

My expectation is that, as has been the case with most reform efforts until now, we will see things get worse rather than better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 1:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF JUDGE CHARLES PICKERING AND JUDGE BROOKS SMITH

Mr. SPECTER. Madam President, I have sought recognition to announce my support for the nomination of District Court Judge Charles Pickering to the Court of Appeals and make some comments about the pending nomination of Judge D. Brooks Smith, now

Chief Judge of the Western District of Pennsylvania for the Court of Appeals for the Third Circuit, who had a hearing yesterday, and to comment generally about the issues facing the Judiciary Committee on partisanship.

Judge Pickering appeared before the Judiciary Committee. Prior to that time, I had an opportunity to read his opinions, to meet with him personally, to go over the issues, to study his record, and it is my conclusion that if we were dealing with State Senator Charles Pickering from the early 1970s, we would not confirm him for the Court of Appeals. But dealing with Charles Pickering in the year 2002, based upon his record today, he is worthy of confirmation.

In the early 1960s, it was a different world, as we all know. Prior to the passage of the Civil Rights Act of 1964, prior to the passage of the Voting Rights Act and the early days following the decision of the Supreme Court in Brown v. Board of Education handed down in 1954, it was a different world.

Judge Pickering has distinguished himself and has shown that he has a sensitivity to civil rights issues. He spoke out against the leader of the Ku Klux Klan in a way which was a threat to his personal security. He has demonstrated in his conduct a sensitivity to racial matters.

There has been quite a divergence in opinion about Judge Pickering based upon people inside the beltway, in Washington, contrasted with the African Americans who know Judge Charles Pickering from his hometown of Laurel, MS.

The pseudo-hearings which have been conducted on national television and the comments in the national press from those who know Judge Pickering from Mississippi portray a very different man than those who oppose his nomination within the beltway.

In making that comparison, I raise no objection to the opinions of the positions taken by people who have spoken out against Judge Pickering. That is their right. But I do make a sharp distinction in terms of the value of those opinions and the weight which ought to be given to those opinions when you have people who know him so much better on his home turf.

If we were to apply the standards which would have been applicable to State Senator Charles Pickering in the early 1970s, it would be very different. I cannot help but think of Senator THURMOND who ran for President as a Dixiecrat in 1948 and who was a staunch opponent of many of the civil rights issues. Senator THURMOND, as so many others, like Charles Pickering, changed over the years and saw the evolution from desegregation in Brown v. Board of Education in 1954 to a very different era.

Senator THURMOND has enormous support among African Americans. I mention him because he is someone known to everybody in the Senate, having been here since 1954 and having established himself as very sensitive and very pro-civil rights, but if he were to be judged on his record from the early 1960s, as some are trying to judge then-State Senator Charles Pickering on his record of the early 1970s, Senator THURMOND would not be confirmed.

I can count the votes, Madam President, and it seems to me that, regrettably, the Judiciary Committee is going to vote along party lines and deny Judge Pickering an affirmative vote to bring his nomination to the floor of the Senate. I may be wrong. I hope I am wrong. I do not think I am wrong. It seems to me that whatever the vote for confirmation is in the Judiciary Committee, Judge Pickering ought to come to the full Senate.

Judge Bork and Judge Thomas—Judge Bork then a judge on the District of Columbia Circuit Court—received a negative vote in the Senate Judiciary Committee 9 to 5, but he was voted to the floor for full consideration and ultimately did not prevail and was defeated 42 in favor, 58 against.

Justice Thomas, then Judge Thomas, had a tie vote in the Judiciary Committee but was voted out of the Judiciary Committee by a vote of 13 to 1 to be considered by the full Senate.

In the old days, the Judiciary Committee used to bottle up a lot of civil rights legislation. It is my view that this is a matter which ought to be considered by the full Senate.

Yesterday, we had the confirmation hearing of United States District Court Judge D. Brooks Smith, who was recommended by Senator Heinz and myself in 1988, appointed by President Reagan, and has had a very distinguished record on the United States District Court for the Western District of Pennsylvania where he now serves as chief judge.

Prior to that, he had been in the Court of Common Pleas in Blair County, PA, and prior to that had been assistant district attorney.

Judge Smith was challenged on a number of grounds. People raised questions about his reversal rate, but when that was examined, we found that of the approximately 5,300 cases that Judge Smith had, about 10 percent of them were appealed, about 530 cases, and that his reversal rate was right at 10 percent, which is right at the norm.

His reversal rate was higher in 1989, his first year as a federal judge, in excess of 35 percent. As the years passed and as he gained more experience, he brought that reversal rate down very substantially. With the total number of cases, about 5,300, and something around 50 reversals, it is right at the 1 percent mark.

I ask unanimous consent that at the conclusion of this presentation the text of the record of Judge Smith on reversals be printed in the RECORD.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. SPECTER. Judge Smith was further challenged on the issue of conflict of interest when he sat on a case where a bank was a depository, where he had stock or financial interest in the bank and his wife was an employee but the bank was not a party. The trustee in that case was Dick Thornburgh, formerly Governor of Pennsylvania and also formerly Attorney General of the United States. Governor Thornburgh wrote an op-ed piece for the Pittsburgh Post-Gazette exonerating Judge Smith from any issue of conflict of interest, citing Justice Donetta Ambrose who succeeded Judge Smith to handle that case after Judge Smith recused himself.

I ask unanimous consent that at the conclusion of this statement the op-ed piece by Governor Thornburgh be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 2.)

Mr. SPECTER. Judge Smith was questioned at some length about trips he had made to seminars, that there might have been an effort to influence his decisions and that they were, in effect, junkets.

There is a famous expression that it does not lie in the mouth of someone to say something, which really means that party has no standing to raise the question.

I do not think that the Senate, or Senators, have standing to raise questions about travel. I say that in the context of traveling myself, and I think those travels are very worthwhile. And I have gone to seminars, and I make the appropriate disclosure on my financial statements.

The seminars that Judge Smith attended were entirely appropriate, and he was challenged because he had not listed the value of those trips to seminars. He stated that he thought he had complied with the law. Since staff has checked out, it was found there was no requirement that the value be listed.

It may be when we are talking about Judge Pickering and perhaps about Judge Smith—and I feel confident Judge Smith will be acted upon favorably by the Judiciary Committee, but one never knows—but in looking at the proceedings as to Judge Pickering, this may be a warm-up for the next Supreme Court nomination.

When Attorney General John Ashcroft was up for a confirmation hearing, there was an undertone that where you have the issue of choice, someone has to be willing to say they will support Roe v. Wade. It really did not apply to the Attorney General's nomination itself but as to his pro-life position, which then-Senator Ashcroft had articulated, we knew his position. There was an undertone in the hearing, and some on the Judiciary Committee have articulated a view that there ought to be a litmus test, that nobody ought to be confirmed unless that judicial nominee is prepared to say the nominee would uphold Roe v. Wade.

When those issues have been posed in the past, the nominees have been accorded standing to say they are not going to comment about cases which may come before the Court. But there is what at least appears to be an effort to put Roe v. Wade on a par with Brown v. Board of Education. Doubtless it is true that no one could be confirmed to the Supreme Court of the United States or to the Federal judiciary if they said they would favor reversing Brown v. Board of Education and integration. It is going to be a hotly contested issue, I believe.

Again, I may be wrong, but I do not think so, that some in the Senate and some on the Judiciary Committee, and perhaps many others, are trying to equate Roe v. Wade with Brown v. Board of Education.

We see the changing times on the issue of the death penalty for people who have a mental impairment, with the Supreme Court saying they are looking for a national consensus before changing the law. On the evaluation of judicial decisions where the Court does look for an evolving national consensus to establish the moral temper ofttimes, with the Court's interpretations being very different on the equal protection clause of Plessy v. Ferguson in 1896 compared to the reversal of Brown v. Board of Education in 1954.

I do believe it is time for a truce between Republicans and Democrats on this issue of judicial confirmations. I think we ought to declare a truce and sign an armistice agreement that we are not going to have a repetition of what happened when we had a Democrat in the White House and Republicans in control of the Judiciary Committee. That was the position I took at the time in breaking party ranks and voting to confirm Judge Paez and Judge Marcia Berzon and in voting to confirm Judge Roger Gregory for the Court of Appeals for the Fourth Circuit, and in voting to confirm Bill Lan Lee for Assistant Attorney General of the Civil Division. We ought to declare this truce and ought to sign this armistice so we take partisan politics out of the confirmation process of Federal judges. It is high time we did that.

I hope the confirmation proceeding as to Judge Charles Pickering elevating him from the district court to the court of appeals will be a good occasion for that truce, or that signing of an armistice.

I yield the floor.

EXHIBIT 1

BROOKS SMITH—CASE STATISTICS

ABSOLUTE NUMBERS

Smith has closed 5,298 cases—of which 526 cases were appealed to the Third Circuit.

Smith has been reversed 53 times over his 13 year career as a federal judge (since 11/1/1988).

Note that in 12 of these 53 cases (i.e., about one-fourth of the cases), Smith was affirmed in part and reversed in part. And some of these were complex cases involving numerous issues where he was affirmed on nearly all of the issues but reversed on one ground or a few grounds.

PERCENTAGES

Smith has been reversed in 10% of appealed cases (i.e., 53 of 526 cases).

He has been reversed in only 1% of closed cases (i.e., 53 of 5,298 cases).

COMPARISON

Smith's 10% average reversal rate (in appealed cases) from 1989–2001 is similar to the average annual reversal rate for the Third Circuit and for all circuits for appeals terminated on the merits.

[Amount in percent]

	Smith	Third Circuit	All circuits
1989	29.16	12.4	13.4
1990	15.38	11.3	11.8
1991	3.7	10.4	11.7
1992	12.5	10.4	11.0
1993	6.66	10.3	10.0
1994	11.9	11.8	10.0
1995	6.55	9.4	11.0
1996	10	9.9	9.4
1997	16.66	9.9	9.1
1998	13.51	9.0	10.2
1999	0	10.4	9.1
2000	9.3	12.0	9.7
2001	5.88	11.7	9.2

Notes: None of the cases closed by Smith in 1988 were appealed. The reversal rates for the Third Circuit and for all circuits were obtained from the Administrative Office of the U.S. Courts; these rates do not include data regarding the Federal Circuit.

EXHIBIT 2

[From the Pittsburgh Post-Gazette, February 26, 2002]

SETTING THE RECORD STRAIGHT ON JUDGE D. BROOKS SMITH

(By Dick Thornburgh)

WASHINGTON.—Today the Senate Judiciary Committee will consider President Bush's nomination of Chief U.S. District Judge D. Brooks smith for the 3rd U.S. Circuit Court of Appeals, headquartered in Philadelphia.

For 18 years, Judge Smith has served Pennsylvanians with distinction. Judge Smith boasts first-rate credentials in addition to his years of judicial experience, and the American Bar Association unanimously gave him its highest rating. Over 100 Democrats and Republicans alike have signed letters of support to the Senate Judiciary Committee. These letters from judges, public officials and leaders of civil liberties, labor, and women's organizations all praise Judge Smith's fairness and impartiality. The Post-Gazette has detailed the campaign against Judge Smith by the Community Rights Counsel and other extreme interest groups. Just as night follows day, it seems the usual suspects are lining up for another effort to ''Bork'' a distinguished judge. Specifically, critics argue that Judge Smith should have immediately recused himself from a 1997 municipal fraud case involving an investment adviser later convicted of defrauding several Pennsylvania school districts. Critics say recusal was necessary as Judge Smith's wife worked at Mid-State Bank where some of the defendants' assets were deposited, and the Smiths held stock in Mid-State's parent company.

Please allow me to set the record straight. I served as the trustee for the defrauded schools and bore a fiduciary duty to safeguard their funds. And I can say with front-row, firsthand knowledge that Judge Smith acted with absolute integrity, independence and honor.

First, Mid-State Bank was not a party to the case, and nothing at the outset suggested Mid-State was complicit in any fraudulent scheme. It was therefore unlikely that Judge Smith's wife, who worked in an unrelated part of the bank, would become a material witness. Since the complint did not allege any wrongdoing by the bank holding the defendants' funds, any stock the Smiths owned in its parent company was immaterial. As trustee, I had sole possession of and control over the assets, and Judge Smith's initial order distributing 50 percent of frozen funds to defrauded school districts just approved an interim plan proposed jointly by me and the Securities and Exchange Commission while the case proceeded.

When Judge Smith later received information that Mid-State could, in the future, conceivably play a role in the litigation, out of an excess of caution he immediately recused himself sua sponte, without being asked by either party. The actions that Judge Smith took prior to his recusal in the civil case did nothing to limit Mid—State's eventual liability exposure or impact the victims' rights of recovery.

In fact, the attacks by interest groups ignore the fact that no funds were even deposited at Mid-State at the time Judge Smith granted his last orders. As trustee, I had transferred the assets to another bank several days before this order. Nothing that occurred between this order and Judge Smith's recusal days later benefited Mid-State. Judge Donetta Ambrose, who obtained the case after Judge Smith's recusal, agreed. She wrote to the Senate Judiciary Committee to say, ''There was never any suggestion by me or the Court of Appeals that Judge Smith acted inappropriately or unethically. Rather, he acted prudently and cautiously. . . . The allegations of unethical conduct in the context of this case are without foundation.''

Partisan critics also improperly fault Judge Smith for temporarily handling a later criminal case against the investment adviser. Nobody involved in the case has alleged that Judge Smith issued any improper orders or took any inappropriate action. The case was assigned to Judge Smith only after lawyers in the case agreed that it was unrelated to the SEC's civil case. Mid-State Bank was not a party. The U.S. attorney's office never sought recusal, and defense counsel did not seek recusal until four months later, when Judge Smith immediately recused himself.

As governor of Pennsylvania in 1984, I had the honor of originally nominating Brooks Smith to sit on the Court of Common Pleas in Blair County. In 1988, while attorney general of the United States, I had the honor of seeing the U.S. Senate unanimously confirm Brooks Smith as a federal judge. This year, I hope to see the same Senate set aside the recent attacks of extreme interest groups and honor Judge Smith's long record of judicial service with a swift and unanimous approval to the 3rd Circuit.

By any measure of judicial merit, Brooks Smith is qualified to serve. Like the president who nominated him, Brooks Smith has rallied a broad coalition of support. It would be wrong to allow extreme interest groups to delay his confirmation by even one day. However, I am optimistic that this will not occur. Judge Smith acquired his reputation for honesty, uprightness and professionalism the old-fashioned way—he earned it. And it will see him through.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 2 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEGOTIATIONS ON THE ISSUE OF VOTER IDENTIFICATION

Mr. DODD. Madam President, I just want to give the Presiding Officer a little bit of an update on where things are regarding negotiations on the Schumer-Wyden-Bond issue involving the question of voter identification.

Staffs are meeting. There has been no resolution, I am sad to report, at this juncture, but they are meeting and are working on this.

I thank Senator SCHUMER and Senator WYDEN and their staffs, along with Senator BOND and his staff, to see if they can come forward with a compromise proposal. As I mentioned two or three times already today, I hoped that would have happened before we got to the vote today. I made a pitch and appeal on numerous occasions, but there was not much of an appetite for a compromise until now.

My hope is we can come to this sooner rather than later. I apologize to my colleagues. I apologize to Senator DASCHLE, who has been absolutely stellar in all of this. I am sure he is going to remind me for years to come, when he asked me how long this bill might take, I said I thought we could do it in a day. I suspect I will hear that story over and over again for many years to come.

We have been on it 2 days. We were on it for 2 days when we were not in session, a Friday and a Monday. We did get some work done then. On the Thursday of the week before recess, we were here, and yesterday, now today, so at least 2½ days.

My hope is that by later this afternoon, sooner rather than later, we can report a compromise proposal, then the rest of the amendments we can deal with fairly quickly. There will be votes on some. I don't anticipate that any one of them, regardless of the outcome, would provoke the kind of situation we are in at this particular juncture.

Hope springs eternal, even in February. I am hopeful that before the afternoon is out, we can make a favorable report to the Chair and to our colleagues that the election reform bill is prepared to move forward and get to final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEEL

Ms. MIKULSKI. Madam President, today I come to the Senate Chamber to stand up for steel. There is a crisis in America's steel industry. The next few weeks will determine the fate and future of that industry and, I believe, the fate and future of our steelworkers today and our retired steelworkers.

I commend President Bush for initiating the section 201 investigation on steel. That means an investigation by the International Trade Commission on whether or not we are facing unfair dumping. I am now calling on the President to impose an effective remedy; that is, a remedy of 40-percent tariffs across the board on steel.

Since 1997, 31 steel companies have gone bankrupt, putting at risk over 62,000 jobs. Why is this? It is exactly what the International Trade Commission found: Subsidized foreign steel companies dump their excess products on the United States market at below market prices. They come into the United States and flood us with their imports at fire sale prices.

In response to this unprecedented crisis, President Bush did take an important step of initiating an investigation under section 201 of the trade act. The ITC unanimously found that these imports have caused serious harm to the American steel industry. Now the President has to act before tens of thousands more jobs are lost and retirees face the threat to their pensions and their health care. He must take meaningful action, not just some half measure that doesn't meet the challenge of the crisis.

Steel is in crisis. Last year, 17 steel companies filed for bankruptcy protection, 14 steel mills shut down, and nearly 30,000 workers lost their jobs.

Why does steel matter? This is not nostalgia for our industrial past. This is about our national and our economic security.

If we are worried about dependence on foreign oil, we should certainly be worried about dependence on foreign steel. We need steel to build America, whether it is our bridges or our automobiles, and also for our national security. In my own home State of Maryland, Bethlehem Steel made the steel plate to repair the U.S.S. *Cole*. It is American steel that is building Navy ships, Navy subs, American planes, the kind of steel we need for those bunker-buster bombs we need.

Are we going to rely upon Russia, China, and other countries and be steel dependent? I don't think we should do that.

What about our steelworkers and our steelworker retirees? There are over 300,000 people currently working as steel and iron workers. There are now over 700,000 retirees and surviving spouses. All told, there are more than 1 million Americans, both retired and on the job now, who depend on steel for their livelihood, their pension, and their health care.

What caused this crisis? Is it because American steel was inefficient, because the unions wouldn't cooperate with management, because we didn't use new technologies or new processes? Absolutely not. The reason American steel is in such dire straits is unfair trade. Foreign steel companies, subsidized by their government, dump excess steel in our market at those fire sale prices.

The United States of America does not have excess capacity. The United States and Canada have been net importers of steel. If you want to look at examples of these subsidies, let me give you one: Russia. This comes from the Bloomberg Business Report. This does not come from BARB MIKULSKI. The Bloomberg Report last week talked about how the Russian Government keeps 1,000 unprofitable steel plants open through Russian subsidies. That is not 1,000 workers; that is 1,000 steel plants. Because of those subsidies, they are able to stay in operation.

How can we compete with Russian subsidies where they have comrade health care, all their health care is paid for, they get subsidies in steel, and at the same time we are expected to compete?

What is the solution? We need a level playing field by reducing excess steel capacity abroad.

The way we also send them a message to stop the dumping is by imposing a 40-percent tariff. That would level the playing field. Half measures will not do. We need that 40-percent tariff and we need it without exception. The effects will last much longer than the 3 or 4 years because America's steel industry will have a chance to get back on its feet.

America's steel industry is the best in the world and I can't emphasize how competitive we are. It is the most efficient, uses the fewest man-hours available per ton, thanks to our steelworkers making the best use of technology and a willingness to cooperate with management. It is also the most environmentally sound, producing less emissions on steel produced.

Do you think those 1,000 Russian steel mills are going to be environmentally sensitive and OSHA compliant? I don't think so. American steel companies have invested over $20 billion in new technology to achieve these efficiencies. American steelworkers have made painful concessions in wages and benefits so that the industry would be efficient and competitive and would have a future.

Madam President, the President must act now. The next few weeks will